

REMARKS

STATUS OF THE CLAIMS:

Claims 1-7 are pending.

Claims 1-7 are rejected.

In accordance with the foregoing, the claims are amended, and, thus, the pending claims remain for reconsideration, which is respectfully requested.

No new matter has been added.

The Examiner's rejections are respectfully traversed.

35 U.S.C. § 103(a) REJECTIONS:

Claims 1, and 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reinsma, U.S. Patent Publication No. 2002/0116239, hereinafter referred to as "Reinsma", in view of Thackston, U.S. Patent No. 6,295,513, hereinafter referred to as "Thackston."

The Office Action, at page 7, acknowledges that Reinsma fails to explicitly disclose the claimed "coordinating between the fabrication factory and the building materials manufacturer by sending fabrication order information to said fabrication factory and sending building materials order information, including information of said fabrication factory where the building materials are to be shipped, to said building materials manufacturer, based on said order received information," as recited, for example, in claim 1.

The Office Action, at page 7, lines 22 to page 8, lines 3, asserts that Thackston, in the abstract; Figures 1-28; column 1, lines 19-31; column 2, line 60 to column 6, line 19; column 8, line 45 to column 17, line 51; column 18, line 16 to column 19, line 25; column 24, line 29 to column 25, line 53; column 27, line 58 to column 28, line 4; column 51, line 60 to column 52, line 17, discloses the same.

37 C.F.R. § 1.104(c)(2) recites:

(c) *Rejection of claims.*

...

(2) In rejecting claims for want of novelty or for obviousness, the examiner must cite the best references at his or her command. When a reference is complex or shows or describes inventions other than that claimed by the applicant, the particular part relied on must be designated as nearly as practicable. The pertinence of

each reference, if not apparent, must be clearly explained and each rejected claim specified.

The Office Action cites to every figure and a significant portion of the text of Thackston without giving any explanation other than asserting those sections disclose the claimed "coordinating between the fabrication factory and the building materials manufacturer by sending fabrication order information to said fabrication factory and sending building materials order information, including information of said fabrication factory where the building materials are to be shipped, to said building materials manufacturer, based on said order received information," as recited, for example, in claim 1.

Accordingly, Applicants respectfully submit that the Office Action fails to particularly point out the part relied upon as nearly as practicable and also fails to point out and clearly explain the pertinence of each reference as required under 37 C.F.R. § 1.104(c)(2) and under MPEP §§ 706 and 707. Accordingly, Applicants respectfully request a new non-final Office Action satisfying the requirements of 37 C.F.R. § 1.104(c)(2).

Furthermore, Applicants respectfully submit that neither Reinsma nor Thackston explicitly or implicitly discloses the claimed "**coordinating between the fabrication factory and the building materials manufacturer** by sending fabrication order information to said fabrication factory and sending building materials order information, including information of said fabrication factory where the indicating which building materials are to be shipped to said construction company or a to builder, to said building materials manufacturer, **based on said order received information**," as recited, for example, in claim 1, because neither reference explicitly discusses "coordinating between the fabrication factory and the building materials manufacturer ... based on said order received information."

Thackston discusses three systems at column 8, lines 45-57, which recites:

As discussed in the Summary of the Invention, the present invention is directed to providing a networked, virtual, collaborative environment for three aspects of an engineering development: (1) the design and development phase (referred to as the NICECAD or Network Integrated Concurrent Engineering Computer Aided Design); (2) the identification and evaluation of qualified fabricators or manufacturers for a design (referred to as the Global Manufacturer's Registry or GMR system or the Interactive System for Engineering Design and Manufacture (EDM), and (3) the solicitation and evaluation of requests for proposals or quotes from qualified bidders (referred to as the Electronic Trading Community or ETC).

Therefore, Thackston discusses a collaborative environment during (1) a design and

development phase (NICECAD), (2) an evaluation of qualified fabricators or manufacturers phase (GMR), and (3) a solicitation phase for receiving quotes from qualified bidders (ETC).

Thackston, at column 48, lines 26-43, further discusses:

The third aspect of the invention provides an electronic trading community (ETC) whereby a prime contractor/designer with a part design model can electronically solicit bids or proposals by issuing a request for quote (RFQ) or request for proposal (RFP) to fabricators. In the preferred embodiment, the ETC capability of the system is integrated with the first and second aspects of the invention, the NICECAD capability for virtual collaborative engineering, and the GMR capability for identifying qualified fabricators. In that embodiment, a prime contractor may utilize the NICECAD capability to create a part design model, stored at a server in a neutral format, in the virtual engineering environment. The prime contractor may then utilize the GMR capability to identify a pool of qualified fabricators. The prime contractor may then utilize the third aspect of the invention to solicit bids from this pool, or from a subset of the pool if the prime contractor decides to exclude certain fabricators for some reason.

Thus, Thackston discusses a collaborative environment only between designers and fabricators, that is, Thackston discusses that engineers collaboratively design the model, find qualified fabricators for the design and solicit bids from the fabricators.

However, Thackston fails to disclose, either expressly or implicitly, the claimed "**coordinating between the fabrication factory and the building materials manufacturer** by sending fabrication order information to said fabrication factory and sending building materials order information, including information of ~~said fabrication factory where the~~ indicating which building materials are to be shipped to said construction company or a to builder, to said building materials manufacturer, **based on said order received information**," because Thackston at least fails to disclose "coordinating between the fabrication factory and the building materials manufacturer ... based on said order received information." In other words, Thackston fails to expressly disclose coordinating between a selected fabricator and a building materials manufacturer, which, for example, supplies materials to the fabricator to fabricate the order, based on an order, because Thackston's three systems never discuss placing an order. That is, Thackston's three systems only provide a collaborative environment for a design process and provides a forum for receiving bids from fabricators on the design, therefore, Thackston cannot expressly disclose the claimed "coordinating between the fabrication factory and the building materials manufacturer ... based on said order received information," as recited, for example, in claim 1, because Thackston fails to disclose placing an order, and, further, Thackston fails to

disclose a method of coordinating between a fabrication factory and a building materials manufacturer after an order is placed.

Furthermore, Applicants respectfully submit that neither Thackston nor Reinsma implicitly discloses the claimed “**coordinating between the fabrication factory and the building materials manufacturer** by sending fabrication order information to said fabrication factory and sending building materials order information, including information of said fabrication factory where the indicating which building materials are to be shipped to said construction company or to a builder, to said building materials manufacturer, based on said order received information,” because Thackston and Reinsma fail to provide any evidence that one skilled in the art would have combined Reinsma and Thackston and modified the combined system of Reinsma and Thackston to achieve the same and see the benefit of coordinating between a fabricator and a building materials manufacturer after the order is placed by the construction company.

Reinsma discusses, “the system may be used to permit manufacturers, builders, consumers, contractors, and suppliers to work together, which allows references to flow back and forth along the supply chain” (Reinsma, Page 9, first column, lines 52-55). While Reinsma discusses a system which “permits manufacturers, builders, consumers, contractors, and suppliers to work together,” the only method suggested by Reinsma to “work together” is through a reference system. Therefore, Reinsma only discusses a referral system, which allows different construction related providers, i.e. suppliers and builders, to find each other.

Furthermore, as discussed above, Thackston merely discusses a collaborative environment for finding qualified fabricators for a design and for soliciting bids from the fabricators. Accordingly, Applicants respectfully submit that Thackston is silent on coordinating between a fabrication factory and a building materials manufacturer.

Furthermore, Applicants respectfully submit that neither Reinsma nor Thackston explicitly or implicitly discloses the claimed “coordinating between the fabrication factory and the building materials manufacturer by sending fabrication order information to said fabrication factory and sending building materials order information, including information of said fabrication factory where the indicating which building materials are to be shipped to said construction company or to a builder, to said building materials manufacturer, based on said order received information,” as recited, for example, in claim 1, because neither reference explicitly or implicitly discusses “indicating which building materials are to be shipped to said construction company or to a builder,” because Reinsma only discusses a referral system and Thackston is silent on coordinating between a fabrication factory and a building materials manufacturer. Support for

the claim amendment can be found, for example, in FIG. 9 and, for example, at page 17, lines 16-31 of the specification.

Applicants respectfully submit that a *prima facie* case of obviousness cannot be based upon Reinsma in view of Thackston, because both Reinsma and Thackston fail to disclose, either explicitly or implicitly, the claimed "coordinating between the fabrication factory and the building materials manufacturer," and therefore cannot reasonably provide any motivation to one of ordinary skill in the art to modify a combination of Reinsma and Thackston to include the same. In other words, Thackston's method of soliciting bids from a fabricator for a design cannot provide any motivation to modify Reinsma's reference system, to provide the claimed "**coordinating between the fabrication factory and the building materials manufacturer** by sending fabrication order information to said fabrication factory and sending building materials order information, including information of ~~said fabrication factory where the~~ indicating which building materials are to be shipped to said construction company or a to builder, to said building materials manufacturer, **based on said order received information**," and see the benefit of coordinating between a fabricator and a building materials manufacturer, supplying materials to the fabricator needed for fabricating the order placed by the construction company, because neither reference discusses coordinating between a fabricator and a building materials manufacturer after an order is placed.

Applicants respectfully submit that independent claims 4 and 5 patentably distinguish over the cited references for similar reasons as independent claim 1.

Dependent claims recite patentably distinguishing features of their own or are at least patentably distinguishing due to their dependence from the independent claims. Withdrawal of the rejection of pending claims, and allowance of pending claims is respectfully requested.

Claims 2, 6, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reinsma and Thackston as applied to claims 1, 4 and 5 above, and further in view of U.S. Patent Pub. No. 2002/0103714, hereinafter "Eze."

Dependent claims recite patentably distinguishing features of their own or are at least patentably distinguishing due to their dependence from the independent claims.

For example, the Examiner relies upon Eze to disclose the features of dependent claims 2, 6 and 7.

Eze at paragraph 43, lines 3-13 discuss:

FIG. 3 illustrated a product ordering web page for the user

interface of FIG. 2, according to one embodiment of the present invention. In display area 302, an enlarged picture of the selected garment is displayed. The garment may be displayed alone, on a model, or in a similar type of representation. Various different views or representations may be displayed if available. In one embodiment, if various options for the garment are available, such as color, the different options may be viewed through a pull-down menu or other similar display scheme.

In other words, Eze discloses a clothing website which displays an image of the garment selected by the user and has a plurality of pull down menus which allow the user to choose the color or size of the garment. However, Eze fails to disclose, either expressly or inherently, the claimed "wherein said order received information includes an image including a mark at a portion to be fabricated on a material, said mark indicating customized fabrication indication information," because Eze only discusses displaying an image garment selected by the user, the image of which may change based upon a user selecting a different option, for example, selecting a different color, and therefore fails to disclose or suggest the claimed "wherein said order received information includes an image including a mark at a portion to be fabricated on a material, said mark indicating customized fabrication indication information," as recited, for example, in claims 2, 6 and 7.

Accordingly, Applicants respectfully submit that a *prima facie* case of obviousness cannot be based upon Reinsma, in view of Thackston and in further view of Eze, because Eze's garment selection method cannot reasonably provide motivation to one skilled in the art to modify Reinsma's method of finding a reduced cost set of construction items needed for a construction project and list of contractors which would be available to perform the construction and Thackston's method of soliciting bids from a fabricator for a design to include the claimed "wherein said order received information includes an image including a mark at a portion to be fabricated on a material, said mark indicating customized fabrication indication information," as recited, for example, in claims 2, 6 and 7.

Withdrawal of the rejection of pending claims, and allowance of pending claims is respectfully requested.

CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: July 13, 2007

By: 
Matthew Polson
Registration No. 58,841

1201 New York Avenue, NW, 7th Floor
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501